



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,028	01/04/2002	Pin Feng Lin	5694.P082	2305

25096 7590 11/17/2004

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

EXAMINER

VAUGHN, GREGORY J

ART UNIT	PAPER NUMBER
----------	--------------

2178

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/039,028

Applicant(s)

LIN ET AL.

Examiner

Gregory J. Vaughn

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Application History

1. This action is responsive to the application filing, Application filed on 1/4/2002.
2. Claims 1-10 are pending in the case, claims 1, 5 and 8 are independent claims.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

- "4022" on page 10, line 4.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

4. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description:

- "203" in Figure 2.
- "301", "302" and "304" in Figure 3.
- "402", "403", "404", "405", "406" and "407" in Figure 4.
- "501", "502" and "503" in Figure 5.

A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

5. The disclosure is objected to because of the following informalities:
- The disclosure recites "*the step 303 in fig. 2*" (page 9, line 17). Figure 2 fails to show the reference indicated.
 - The disclosure recites those reference signs listed in paragraph 3 above, which are not shown in the drawings.
 - The disclosure fails to disclose those reference signs listed in paragraph 4 above, which are shown in the drawings.

Appropriate correction is required.

6. The use of the following trademarks has been noted in this application:
- "*Internet Explorer (IE)*" first used on page 6, line 20.
 - "*Microsoft*" first used on page 6, line 21.
 - "*Netscape Navigator*" first used on page 6, line 21.
 - "*Netscape*" first used on page 6, line 21.
 - "*Mosaic*" first used on page 6, line 21.
 - "*NCSA*" first used on page 6, line 21.
 - "*Linux*" first used on page 7, line 2.

Art Unit: 2178

- “Excel” first used on page 7, line 25.
- “Word” first used on page 8, line 1.
- “PowerPoint” first used on page 8, line 1.
- “JavaScript” first used on page 12, line 6.

It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner, which might adversely affect their validity as trademarks.

Claim Rejections - 35 USC § 112

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

“The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.”

8. Claim 4, 7 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
9. In regard to claims 4, 7 and 10, each of the claims recites the unbounded limitation modifier: comprising. The use of the term “comprise” (or any of the conjugations) is improper when specifying a group or set of possible choices. A Markush claim type is properly implemented with the bounded term “consisting”.

Claim Rejections - 35 USC § 102

10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

"A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."

11. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Levine et al., *Windows 98 – The Complete Reference*, published in 1998 by McGraw Hill (hereinafter Levin).
12. **Regarding independent claim 1**, Levine discloses a method for browsing a document by utilizing a web browser in Figure 24-5 on page 565. Levine further discloses in Figure 24-5 a divided viewing area with a tree diagram of locations (shown as "*Explorer bar*") in one of the viewing areas and document contents in a second viewing area (shown as "*Viewing window*"). Levine discloses designating an accessing disk (shown as "*Address Bar toolbar*" in Figure 24-5). Levine discloses reading plural submenus, documents and location paths (shown as the multiple tree items listed in the "*Explorer bar*"), where the tree items are hyperlink addresses. Levine discloses the forming of a tree structure for the locations of the submenus and documents in the "*Explorer bar*" of Figure 54-5. Levine discloses displaying the contents of the

Art Unit: 2178

document relative to the selection of a menu item in the "*Viewing window*" of Figure 24-5.

13. **Regarding dependent claim 2**, Levine discloses accessing a disk, setting location paths as hyperlinks and generating a tree structure as described above. Levine further discloses the setting of location paths to include selecting a menu item (shown as the "*Week of 1/12/98*" item in the "*Explorer bar*" in Figure 24-5), checking the menu as open or not ("*Week of 1/12/98*" is currently shown open in Figure 24-5), and waiting for the next instruction. Levine further discloses fetching plural submenus (shown as "*Boston.sidewalk.com*", "*football.yahoo.com*" etc.), generating a tree structure (as described above) and checking the tree nodes and setting the nodes to hyperlinks (shown as "*Microsoft Internet Start*").
14. **Regarding dependent claim 3**, Levine discloses the web browser as being Internet Explorer (title of Figure 24-5 is "*Anatomy of the Internet Explorer browsing window*").
15. **Regarding dependent claim 3**, Levine discloses the format of the document being a web page in Figure 24-5, shown in the "*Viewing window*" of the figure.
16. **Regarding independent claims 5 and 8**, the claims contain substantially the same subject matter as claim 1, and are rejected using the same rationale.

Art Unit: 2178

17. **Regarding dependent claims 6 and 9**, the claims contain substantially the same subject matter as claim 3, and are rejected using the same rationale.
18. **Regarding dependent claims 7 and 10**, the claims contain substantially the same subject matter as claim 4, and are rejected using the same rationale.

Conclusion

19. The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

<u>Patent/Publication</u>	<u>Date</u>	<u>Inventor</u>
• US-5,890,172	03-1999	Borman et al.
• US-6,003,046	12-1999	Nielsen, Jakob
• US-6,067,552	05-2000	Yu, Tonny
• US-6,088,032	07-2000	Mackinlay, Jock D.
• US-6,226,655	05-2001	Borman et al.
• US-6,782,402	08-2004	Hidaka et al.
• US-2002/0143826	10-2002	Day et al.
• US-2002/0156814	10-2002	Ho, Bruce K.
• US-2003/0055850	03-2003	Larsen, James Gregory
• US-2003/0221162	11-2003	Sridhar, Mandayam Andampillai

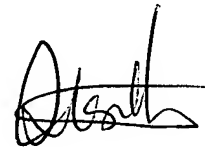
20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn
November 10, 2004



STEPHEN S. HONG
PRIMARY EXAMINER